

EXHIBIT E

From: owner-ext-track3defendants@groups.jonesday.com on behalf of David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>
Sent: Tuesday, June 1, 2021 11:39 AM
To: External User - Eric Delinsky; Peter H. Weinberger; Kate Swift; External User - Tara Fumerton
Cc: EXT Track3Defendants; MRopioidserve; pmougey@levinlaw.com; Josh Gay (jgay@levinlaw.com)
Subject: Re: Sampling of Prescriptions and Notes from Defendants' dispensed prescriptions

**** External mail ****

Hi Eric:

The July 9 date for Notes Field Discovery Certification ("NFDC") is aspirational, not a hard deadline. Among other reasons, I chose that date because of how the other deadlines that key off of the NFDC date would lay out -- specifically, under Subsections G.5-6 of the most recent CMO, Daubert briefing on supplemental expert reports would be complete by Sept. 7, and the Daubert hearing is scheduled for Sept. 10. The Judge has already told me he is unhappy with supplemental Daubert motions not becoming ripe until Sept 7 (he prefers they become ripe by 9/3), so even the July 9 date of NFDC is pushing it, under that measure.

Ultimately, the risk we all run is that the Judge simply won't rule on supplemental Daubert motions before trial, because they will not be ripe soon enough and he won't have time. This raises the question of whether we need all of the interim deadlines between the NFDC date and Daubert response briefs. For example, do we absolutely need supplemental expert depositions, or can we go straight to Daubert briefing following supplemental expert reports? For that matter, do you expect to file Daubert motions addressing supplemental expert reports at all?

I suggest Ps and Ds discuss how and the extent to which they expect post-NFDC expert issues to arise. But if the parties want to file supplemental Daubert motions, they must understand the Court likely won't address the motions unless they are ripe several days before the existing Daubert hearing date of Sept. 10; so the NFDC date and following dates must be handled accordingly.

-d

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This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Delinsky, Eric <edelinsky@zuckerman.com>
Sent: Friday, May 28, 2021 2:03 PM